

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FATEMAH AZIZIAN, et al.,

No. C 03-3359 SBA

Plaintiffs.

CLASS ACTION

v.

ORDER

FEDERATED DEPARTMENT STORES, et al.,

[Docket Nos. 511, 516, 517]

Defendants.

On July 6, 2005, Plaintiffs filed a Motion to Require Objectors to Post Bond on Appeal ("Motion for Bond on Appeal") [Docket No. 511]. Also on July 6, 2005, Plaintiffs filed an ex parte application requesting an order shortening time for the hearing on Plaintiffs' Motion for Bond on Appeal [Docket No. 510]. In their ex parte application, Plaintiffs requested the opportunity to be heard on their Motion for Bond on Appeal prior to August 9, 2005, the date that Kamela Wilkinson ("Wilkinson") and Grace Wright's ("Wright") appellant briefs were due to be filed in the Ninth Circuit.

On July 7, 2005, after finding that good cause warranted an expedited hearing and briefing schedule, the Court granted Plaintiffs' ex parte application, and set Plaintiffs' Motion for Bond on Appeal for a July 26, 2005 hearing. Accordingly, the Court set an expedited briefing schedule, requiring objectors Wilkinson and Wright to file their opposition briefs on or before July 14, 2005.

On July 13, 2005, Objector Kamela Wilkinson filed a Motion for Leave to File Motion for Reconsideration of the Court's July 7, 2005 Order Allowing Plaintiffs' Ex Parte Motion to Shorten Time ("Motion for Leave to File") [Docket No. 517]. In the Motion for Leave to File, Wilkinson requests that the Court grant Wilkinson leave to file a Motion for Reconsideration due to the fact that the Court issued its July 7, 2005 Order before allowing Wilkinson the opportunity to object to Plaintiffs' ex parte application, pursuant to Civil Local Rule 6-3. In her Motion for Reconsideration, which is attached to

1 the Motion for Leave to File, Wilkinson argues that the expedited schedule is no longer necessary due
2 to the fact that the briefing schedule on Wilkinson's appeal has been altered, such that Wilkinson's
3 appellant brief is now due on September 15, 2005.¹ Additionally, Wilkinson states that: (1) her counsel
4 is unavailable on July 26, 2005, due to a trial in another matter; and (2) she cannot adequately brief the
5 issues raised in Plaintiffs' Motion for Bond on Appeal on the expedited schedule due to the complexity
6 of the legal issues involved, some of which appear to be a matter of first impression in the Ninth Circuit.

7 Having considered Wilkinson's Motion for Leave to File, the Court finds that reconsideration
8 of its July 7, 2005 Order is warranted, particularly in light of the fact that the Court inadvertently issued
9 the July 7, 2005 Order without first allowing Wilkinson and Wright the opportunity to file oppositions
10 to Plaintiffs' ex parte application. The Court therefore GRANTS Wilkinson's Motion for Leave to File
11 [Docket No. 517] and has considered Wilkinson's Motion for Reconsideration on its merits.

12 Having read and considered Wilkinson's Motion for Reconsideration, and for good cause
13 showing,

14 IT IS HEREBY ORDERED THAT the July 26, 2005 hearing on Plaintiffs' Motion for Bond on
15 Appeal [Docket No. 511], and the expedited briefing schedule set forth in the Court's July 7, 2005 Order
16 [Docket No. 516], are VACATED.

17 IT IS FURTHER ORDERED THAT Plaintiffs' Motion for Bond on Appeal [Docket No. 511]
18 shall be heard on **August 9, 2005 at 1:00 p.m.** The Court, in its discretion, may adjudicate the Motion
19 without a hearing, in which case the Clerk will notify the parties that no appearance is necessary.

20 IT IS FURTHER ORDERED THAT objectors Grace Wright and Kamela Wilkinson shall file
21 their oppositions to Plaintiffs' Motion for Bond on Appeal **on or before July 20, 2005**, which is fourteen
22 (14) days after Plaintiffs' Motion for Bond on Appeal was filed, the time that is typically allowed for
23 the filing of an opposition brief pursuant to Civil Local Rule 7-3.

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28 ¹Further, according to Wilkinson, prior to the Ninth Circuit's order revising the briefing schedule, her appellant brief was initially scheduled for August 15, 2005, not August 9, 2005.

1 IT IS FURTHER ORDERED THAT Plaintiffs shall file their reply, if any, **on or before**
2 **July 27, 2005.**

3 IT IS SO ORDERED.
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8 Dated: 7-14-05

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SAUNDRA BROWN ARMSTRONG
United States District Judge